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BOSTON
REDEVELOPMENT
AUTHORITY

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April 17, 1986

James Divvers
Assistant Commissioner
Department of Public Health
150 Tremont Street
10th Floor
Boston, MA 02111

Dear Assistant Commissioner Divvers:

Your office has inquired about the status of the land use permits for the development proposed by the General Hospital Corporation (MGH) at its campus in the West End of Boston. Please be advised that the zoning and land uses changes effecting MGH were approved by the Boston Redevelopment Authority (BRA) on February 4, 1982 with approval of the Development Plan (PDA #15). The resulting zoning map amendment was approved by the Boston Zoning Commission (BZC) and the Mayor and was effective March 5, 1982, almost two years before the adoption of Article 26 the so called Linkage Ordinance, to the Zoning Code. The BRA did approve an amendment to MGH's Development Plan on June 28, 1984 and the BZC placed the revised development plan on file on August 22, 1984 but said Commission made no new zoning changes at that time. On November 15, 1985, the City of Boston Board of Appeal (ZBA) granted certain exceptions to the Boston Zoning Code for the proposed development of the MGH PDA. Accordingly, all municipal zoning approvals required for the proposed development have now been granted.

The amendment to the MGH PDA designation has been challenged in the courts. On April 4, 1986, Judge Greenberg of the Superior Court issued a decision in which he dismissed all of the plaintiffs' claims other than their challenge to the validity of Article 26 of the Boston Zoning Code, commonly referred to as "Linkage". The BZC's and the BRA's decision regarding MGH's land use permits were sustained.

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Although Judge Greenberg's decision has been appealed and is scheduled to be heard on May 8, 1986 before the Massachusetts Supreme Judicial Court, we want to confirm that the BRA and the City strongly support MGH's proposed development. The replacement of obsolete facilities is necessary and essential for MGH to continue to provide quality medical services to the City of Boston. It is our view that the zoning changes regarding the MGH PDA which were approved by the BRA and the City in 1982, two years before linkage continue to be in full force and effect.

I trust that this letter is responsive to your inquiry.

Very truly yours,

Stephen Coyle
Director

VOTED:

That the Authority hereby authorizes the Director to execute the attached letter to the State Department of Public Health verifying that the zoning map amendment PDA #15 concerning the Massachusetts General Hospital was adopted by the Authority and the Boston Zoning Commission in March 1982 almost two years prior to the adoption of Article 26 of the Zoning Code and therefore all municipal zoning approvals are still effective.